

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN R. WEINSTEIN,

Plaintiff,

vs.

MICHAEL J. ASTRUE, COMMISSIONER OF  
 SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 2:12-cv-01094-LRH-PAL

**ORDER**

(Mtn to Serve - Dkt. #10)

This matter is before the court on Plaintiff Steven R. Weinstein's Motion to Serve Additional Party with Summons and Complaint (Dkt. #10) filed October 18, 2012. The court has considered the Motion.

Plaintiff is proceeding in this action in forma pauperis, and on August 1, 2012, the court entered an Order (Dkt. #2) screening Plaintiff's Complaint pursuant to 28 U.S.C. § 1915 and directing the Clerk of Court to serve the Complaint pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. That Rule provides, in relevant part, that in order to serve the United States and its agencies, a party must deliver or mail by certified mail a copy of the complaint and summons to (a) the United States Attorney for the district where the action is brought; (b) the Attorney General of the United States in Washington, D.C.; and (c) the agency or officer. *See* Fed.R.Civ.P. 4(i)(1)(A), 4(i)(1)(B), and 4(i)(2). Accordingly, the court directed service on the Office of General Counsel for the Social Security Administration ("SSA") in Baltimore, Maryland; the Attorney General in Washington, D.C.; and the United States Attorney for the District of Nevada. *See* Order (Dkt. #2).

The instant Motion requests the court also direct the Clerk of Court to effect service of the Complaint and summons by certified mail on the Office of Regional Chief Counsel for Region IX of the Social Security Administration in San Francisco, California, pursuant to 70 Fed. Reg. 73320 (Dec.

9, 2005). That Notice provides that effective December 9, 2005, the SSA amended its rules concerning service of process in lawsuits seeking judicial review of SSA final decisions on individual claims for benefits under Titles II, VIII, and/or XVI of the Social Security Act. Notice, 70 Fed. Reg. 73320 (Dec. 9, 2005). Further, the Notice directs that “summonses and complaints in these types of cases should be mailed directly to the office in SSA’s Office of General Counsel (OGC) that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed.” *Id.* The revised procedures set forth in the Notice are codified at 20 C.F.R. 423.1, which provides that service of process on the SSA or the Commissioner of the SSA should be effected on the SSA’s regional Office of General Counsel for the jurisdiction where the complaint was filed. *See* 20 C.F.R. 423.1 (Oct. 11, 2012).

Having reviewed and considered the matter,

**IT IS ORDERED:**

1. Plaintiff’s Motion to Serve Additional Party with Summons and Complaint (Dkt. #10) is GRANTED.
2. The Clerk of the Court shall serve the Commissioner of the Social Security Administration by sending a copy of the summons and Complaint by certified mail to:  
  
Office of the Regional Chief Counsel, Region IX  
Social Security Administration  
160 Spear St., Suite 899  
San Francisco, CA 94105-1545

Dated this 22nd day of October, 2012.

  
PEGGY A. ZEEN  
UNITED STATES MAGISTRATE JUDGE